

dispensed with.

PRESIDENT: The Chair recognizes Senator Nichol.

SPEAKER NICHOL: Mr. President, members of the Legislature, Senator Vard Johnson has talked about politics in it. It is all politics now, every bit of it. If the Governor is Democratic Party you'll probably have three Democrats on there. If he is Republican you'll probably have three Republicans. With this bill at least you'd have somebody on the board that is elected by the people. I don't see anything wrong with it. I think it is good. One example that you might quote right now that is wrong, with our recent Commonwealth situation the board went absolutely contrary to what the court said. Now you attorneys that are so strong on keeping this legal, apparently you don't believe in that. So I think it is a good bill. I object to the kill motion.

PRESIDENT: The Chair recognizes Senator DeCamp and may we have order in the Chamber, please.

SENATOR DECAMP: Mr. President and members, I oppose the kill motion and I would like to bring up a couple things in defense of the bill that haven't been brought up. Number one, Senator Beutler said this should be a function of the executive branch of government. The Governor is the executive branch and of course he is elected by the people and under the present system he appoints these three people. However, the balance of this story is that the two people that are to go onto this board are also the executive branch of government. They are elected by the people and traditionally over the last 15 years or so you'll have some of them Republican, some Democrat and so it does provide a balance and I think a balance is good in these things. Why is that important and why does there need to be some additional balance? Let's use an example, and I'm not trying to offend anybody, but let's use a realistic example, one we all have lived through, the Commonwealth claim. Everybody is familiar with it. Once the Governor indicated his belief that the state was liable, the Claims Board repeatedly gave very, what can only be described and every lawyer here knows it, very shallow opinions just saying the state is liable. In fact, the court in some very clear and deep analysis repeatedly concluded otherwise. I think had there been some balance on the board there might have been a